



## ***Land Use and Zoning Meeting Minutes***

*April 23, 2020*

STAFF:	David Radachy
DATE:	April 27, 2020

The Land Use and Zoning Committee met via Webex on April 23, 2020. The Land Use and Zoning Committee hereby finds and determines that all formal actions were taken in an open meeting and that all deliberations of the Land Use and Zoning Committee, which resulted in formal action, were taken in a meeting open to the general public, in full compliance with applicable legal requirements of Section 121.22 of the Ohio Revised Code.

The meeting was called to order at 7:00 PM by Mr. Radachy.

Attendance was taken by roll call. The following members were present: Bernard, Constantine, Diak, Hill, Malec, McKee, Reppert, Terriaco, and Welch. Staff: David Radachy and Joseph Rose.

Mr. Radachy asked if there was any Public Comment. Hearing none, staff proceeded with the next item on the Agenda.

Mr. Radachy then turned the meeting over to Mr. Rose to present Committee Business. Staff announced there is one district change and one text amendment, all submitted from Concord Township.

### **Concord Township Text Amendment Sections 5 and 15**

Mr. Rose stated that an application was submitted revising Section 5 and Section 15. The application proposed revising the definitions of "frontage"; "lot"; and "street, private" and dwelling Attached Single Family. They would like to revise Section 15.04 by allowing frontage to be along a private street and they are adding a minimum lot acreage for R-3 dwelling, attached – with public sanitary sewer. They are proposing a minimum lot width of 26 feet for the fee simple R-3 lots and a project width of 200 feet for R-3 development. Adding "Between Attached Single Family Dwellings within a building" as a term to the minimum side yard and giving it a distance of 0 feet. They are repeating dwelling sizes of 800 square feet for a one bedroom, one story dwelling, 1,150 square feet for 1 ½ story building and 1,300 for two story dwelling for the fee simple zero lot line units and they are adding Dwelling, Attached Single Family as a permitted use.

Staff stated that the Lake County Subdivision Regulations define Private Street or Road as a street or road, including a new easement of access, subject to platting in accordance with these regulations and held in private ownership, for which the state, county, or township shall not assume any maintenance responsibility. The construction of a private street or road shall conform to the rules, standards, and specifications for road improvements adopted by the Board of County Commissioners pursuant to O. R. C. 711.101. The regulations also require any fee simple lots and private streets to follow subdivision regulations including but limited to right-of-way width, block length, cul-de-sac length and utility easements. These developments will be required to be approved by the Lake County Planning Commission. The subdivision regulations state that

private streets are not required to be used to interconnect subdivisions. Allowing private streets may cause issues for interconnection of developments in the future.

Staff stated that Painesville Township has allowed single family detached houses, fee simple on private streets. But the streets themselves are in blocks owned by the Homeowners Associations. The blocks are similar size to rights of way or have variances.

Staff was concerned that the proposed regulations only cover lot size, width and sideline clearance for fee simple lots for attached Single Family. The proposed language does not cover front or rear setbacks or setbacks for accessory structures. It does not cover distance between accessory structures and principal structures.

Staff recommended that the change not be made because the regulations are not written clearly. Some of the language is very confusing and may be difficult to enforce. It may create loop holes in the regulations. It is also missing important standards such as front setback, rear setback, setbacks for accessory structures, distance between principal building and accessory building and number of units per building.

The committee was concerned that these regulations were not written very well. They were concerned that this could allow fee simple lots on private streets in R-1 and R-4 districts. They asked if other townships had this type of development and regulations. Staff and Rich Constantine stated that Painesville Township had this type of development. But it was in a PUD. The development was originally approved as a judgment entry, but the PUD language was revised to allow this type of development.

Ms. Diak made the motion to make the recommendation as stated by staff.

Mr. Constantine seconded the motion.

All voted "Aye".

One abstained.

Motion Passed.

### **Concord Township District Amendment R-1 to R-2, RCD**

Mr. Rose explained that an application was submitted for a district amendment for 29.627 acres of land located on Colburn Road. Staff stated that the land is currently zoned R-1 and all of the land around it was zoned R-1. It is currently vacant.

Staff stated that the 2015 Comprehensive Plan did not address the site, but the 2004 Comprehensive Plan encourage conservation development. RCD is a conservation development zoning classification.

Staff mentioned that there is an acreage issue with the property. The plans are stating that they have 29.65 acres. County Records state 28.55 acres. The issue will effect density. Density for the RCD plan is based on a yield plan, which can support 43 sublots despite having some design issues. They stated that the yield plan meets subdivision standards for block length and cul-de-sac length. But Thompson Court would need a variance not to have a temporary cul-de-sac. The cul-de-sac location would not be recommended. The grade in the area would make it too difficult to install. Staff would recommend moving the cul-de-sac to the south and reconfiguring the lots. Staff could still see five sublots at the end if the open space and lots are reconfigured. We do not see a reduction in the yield plan numbers.

Staff stated the yield plan shows wetlands being filled to provide building sites. This is an option that can be done per Army Corps of Engineers Regulations if the property owners wish to pay for wetlands mitigation and we can consider these lots to be buildable. This practice is discouraged and usually not economically viable for actual subdivision. Economic viability may not be a condition that could be viewed while viewing this plan.

RCD plan meets the subdivision requirements for block length and cul-de-sac length. Sommers Court on the RCD plan would need a variance for no temporary cul-de-sac if the RCD plan is submitted as preliminary plan. The RCD plan protects the large wetland and the streams better than a standard subdivision.

Staff stated that this is a zoning recommendation and not a subdivision approval. The design may change when the preliminary plan and final plat are filed.

The Committee was happier with the RCD plan over the conventional plan. They thought that the property was better protected.

Staff recommended the district amendment be made.

Mr. Hill made the motion to recommend staff's recommendation to accept the district amendment.

Mr. Terriaco seconded the motion.

All voted "Aye".

One abstained

Motion Passed.

Mr. Rose stated that was the last case and there was no new or old business and no public comment.

The meeting adjourned at 7:33 pm.